

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No 1:20-cv-02525 (DLC)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MARK HOROWITZ, individually and as a joint
tenant,

Defendant.

**STIPULATION OF SETTLEMENT AND
VOLUNTARY DISMISSAL WITH PREJUDICE**

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Mark Horowitz ("Defendant") by and through his counsel, Helen Davis Chaitman of Chaitman LLP (collectively, the "Parties"), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the complaint against Defendant in the Southern District of New York Bankruptcy Court. *Picard v. Murray Horowitz, individually and as a joint tenant and Mark Horowitz, individually and as a joint tenant*, Adv. Pro. No. 10-04748 (Bankr. S.D.N.Y. Dec. 1, 2010) (the “Horowitz Adversary Proceeding”), ECF No. 1.

2. On August 14, 2015, Defendant served an answer on the Trustee. Horowitz Adversary Proceeding, ECF No. 43.

3. On November 10, 2015, deceased defendant Murray Horowitz was dismissed from the adversary proceeding. Horowitz Adversary Proceeding, ECF No. 48.

4. On March 24, 2020, Defendant filed his motion to withdraw the reference to the Bankruptcy Court. Motion, ECF No. 1.

5. On April 7, 2020, the Trustee filed a letter consenting to the withdrawal of the reference. Consent Letter, ECF No. 4.

6. On April 9, 2020, the Court granted the motion to withdraw the reference and established the briefing schedule for Trustee’s motion for summary judgment. Order, ECF No. 5.

7. On June 8, 2020, the Trustee filed his motion for summary judgment, along with an accompanying memorandum of law, Rule 56.1 statement, and declarations in support. Trustee’s Motion, ECF Nos. 12-18.

8. On July 13, 2020, the Defendant filed his notice of cross-motion for summary judgment, cross-motion for summary judgment and opposition to Trustee’s motion for summary judgment, counter Rule 56.1 statement, objection to the Trustee’s Rule 56.1 statement, and declaration in support of cross-motion. Defendant’s Response, ECF Nos. 21-28.

9. On August 6, 2020, the Trustee filed his reply memorandum of law in support of motion for summary judgment, declaration in support of motion for summary judgment and

response to Defendant's counter Rule 56.1 statement. Trustee's Reply, ECF Nos. 33-35.

10. On August 13, 2020, the Defendant filed his reply memorandum in further support of his cross-motion for summary judgment. Defendant's Reply, ECF No. 36.

11. On November 12, 2020, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by the Bankruptcy Court on November 12, 2010.

12. On December 4, 2020, Defendant informed the Court that the Parties had reached a settlement in principle. Notice Letter, ECF No. 39.


13. In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby stipulate to a dismissal of the above-captioned action with prejudice.

14. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

15. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: New York, New York
January 7, 2021

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SO ORDERED

Dated: January 7, 2021


DENISE COTE
United States District Judge